

the specification of which

(check one)

Declaration and Power of Attorney for Patent Application

Asia below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Homogenus Methods for Nucleic Acid Amplification and Detection

[] [X]	is attached hereto. was filed on	November 12, 19	97	as				
Applio	eation Serial No.	08/9	68,208					
and w	as amended on	(if a	pplicable)					
	by state that I have led by any amendmen		erstand the contents of the	ne above identified sp	ecification	on, includ	ling the	claims, as
I ackn	owledge the duty to o	lisclose information	which is material to pater	ntability as defined in 3	37 CFR	§ 1.56.		
invent States	or's certificate, or § 3, listed below and ha	865(a) of any PCT ve also identified be	er 35 U.S.C. § 119(a)-(d) International application values, by checking the boxing date before that of the applications.	which designated at lead any foreign application	ast one co	ountry of	her than	the United
Pri r	F reign Application	n(s)				Priorit	y Claim	ed
(Numl	per) (Country)	(Day/Month/Year F	iled)		[] Yes		[] No
(Num	per) (Country)	(Day/Month/Year	Filed)	Yes	[]	No	[]
(Num	ber)	(Country)	(Day/Month/Year F	iled)		[] Yes		[] No
I herel	by claim the benefit u	under 35 U.S.C. § 1	19(e) of any United States	provisional application	on(s) liste	d below.		
(Appl	ication No.)	ion No.) (Filing Date)		(Application No.)		(Filing Date)		





i

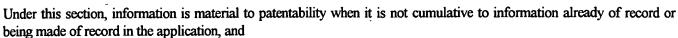
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

07/695,201	<u>May 2, 1991</u>		Pending		
(Application Serial No.)	(Filing Date)	(Status)	(patented, pending, abandoned)		
(Application Serial No.)	(Filing Date)	(Status)	(Status) (patented, pending, abandoned)		
belief are believed to be tru like so made are punishable	ie; and further that these stateme by fine or imprisonment, or b	ents were made with the knowledge	tatements made on information and that willful false statements and the of the United States Code and that thereon.		
			s) and/or agent(s) to prosecute this (list name and registration number)		
George W. Johnston	(Reg. No. 28090)	John Parise	(Reg No. 34403)		
William H. Epstein	(Reg. No. 20008)	Douglas A. Petry, Ph.D.	(Reg. No. 35321)		
Dennis P. Tramaloni	(Reg. No. 28542)	Stacey R. Sias, Ph.D.	(Reg No. 32630)		
	Hoffmann-La Roche Inc., 340 l	Kingsland Street			
Nutley, New Jersey 07110	-1199				
Direct Telephone Calls to:	(name and telephone number)				
Stacey R. Sias, Ph.D.	510-814-2863				
Full name of sole or first in Russell Gene Higuchi	ventor	1-27	2-98		
Inventor's signature		Date	***************************************		
Alameda, Alameda County	, California				
Residence					
United States					
Citizenship					
3258 Liberty Avenue, Ala	meda, Alameda County, Califor	nia			
Doct Office Address					

Post Office Address

Title 37, Code of Federal Regulations, §1.56, duty to disclose information material to patentability provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.





- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.